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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 KEVIN C. SEWELL,

9 Plaintiff,

10 v.

11 LAS VEGAS METROPOLITAN POLICE
12 DEPARTMENT, et al.,

13 Defendants.
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2:09-cv-1030-LDG-PAL

ORDER

15 Defendants have filed an unopposed motion to dismiss pursuant to Rule 41(b) for failure to
16 prosecute and failure to comply with this court's previous orders (#51). *See* Fed.R.Civ.P. 41(b).
17 Magistrate Judge Leen previously ordered Plaintiff to show cause why his complaint should not be
18 dismissed for his failure to prosecute and for his failure to comply with the court's previous order,
19 and specifically warned Plaintiff that failure to show cause would result in a recommendation for
20 case-dispositive sanctions (#48). Plaintiff failed to respond or take any action. The parties then
21 failed to file a joint pretrial order, and Judge Leen ordered the parties to file a joint pretrial order
22 no later June 10, 2010 (#50). That order again warned that "[f]ailure to timely comply may result
23 in the imposition of sanctions up to and including a recommendation of case dispositive sanctions."
24 Although Defendants filed this motion to dismiss, Plaintiff has yet to respond either to
25 Defendants' motion or the court's orders. Plaintiff's failure to prosecute constitutes unreasonable
26 delay, especially in light of previous warnings that dismissal is imminent. *See Henderson v.*

1 *Duncan*, 779 F.2d 1421, 1423-24 (9th Cir. 1986). Plaintiff's inaction also undermines the public
2 interest in expeditious resolution of litigation, disrespects the court's need to manage its docket,
3 and prejudicially impairs Defendants' ability to conduct discovery with the missing Plaintiff. *See*
4 *Id.* at 1423. Furthermore, especially in light of the court's previous orders, Plaintiff's repeated
5 failures foreclose the availability and potential efficacy of less drastic sanctions. *Id.* Accordingly,
6 and for good cause shown,

7 THE COURT HEREBY ORDERS that Defendants' motion to dismiss (#51) is
8 GRANTED.

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11 Dated this 20 day of October, 2010.

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14 Lloyd D. George
15 United States District Judge
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